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**Request for City Council Committee Action  
From the City Attorney's Office**

Date: August 15, 2003  
To: Ways & Means/Budget Committee  
Referral to: None

**Subject:** Charon and Mallik Dow v. City of Minneapolis et al, Hennepin County District Court file no. PI 03-000450

**Recommendation:** That the City Council approve settlement of the lawsuit filed by Charon and Mallik Dow, Hennepin County District Court file no. PI 03-000405, in the amount of \$6,500.00, payable to Charon Dow, together with certain non-monetary relief set forth below and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 4000.

**Previous Directives:** None.

Prepared by: Timothy S. Skarba, Assistant City Attorney, 673-2553

Approved by: 

Jay M. Heffern  
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

**Financial Impact** (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact:** Build Community

**Background/Supporting Information**

This lawsuit arises out of an incident that occurred on February 15, 2002, when a vehicle driven by retired Minneapolis sergeant John Brodin stuck a pedestrian, Mallik Dow. Minneapolis police officers, fire department employees and Hennepin county paramedics responded to the call for assistance. Issues arose concerning the investigation of the accident and treatment of Ms. Dow. The Plaintiff filed complaints with the Minneapolis Department of Civil Rights ("MDCR"); the Minneapolis Civilian Police Review Authority ("CRA"); and filed a claim for damages as part of the City's claims process.

The Plaintiff alleges that the police officers and Mr. Brodin were standing together laughing; that she asked Mr. Brodin twice for his license and got no response; that an officer took her arm and pulled her from Mr. Brodin; that she was threatened with arrest; and that Mr. Brodin was given special treatment. The officers indicate that they did not know Mr. Brodin or threaten to arrest Ms. Dow. Ms. Dow was given a handwritten blue identification card by the officers with a case control number, the officers names and the squad number. The identification card had the incorrect case control number written on it. The Plaintiff alleges that the numbers on the blue card were intentionally incorrect. The Plaintiff asserts further that level of investigation of the accident by the police officers violated her rights. She alleges that Mr. Brodin should have been given a breath or blood test; that pictures should have been taken of her child; that statements should have been taken from the witnesses; and that a scale drawing of the area should have been made. Ms. Dow asserts that the investigative procedures outlined in the Minneapolis Police Department Manual § 7-500, *et seq.* should have been followed, and has supplied expert testimony supporting her position. The officers prepared a state accident report, as required by Minn. Stat. § 169.09. The officers observed no signs or symptoms of alcohol and drug use. The officers did not believe that the accident and injuries warranted summoning a traffic squad car and engaging in the level of investigation and accident reconstruction desired by Ms. Dow.

Regarding the Plaintiff's complaint to the Civilian Review Authority ("CRA"), a typed complaint form was sent to Ms. Dow which was returned with the first name of an officer changed. The Minneapolis Police Department employs two officers with the same last name. Ms. Damchik-Dykes, the interim manager of the CRA, changed the badge number in the records to be consisted with the handwritten changes reflected on the complaint form. The changed badge number resulted in the complaint proceeding against the incorrect officer. Subsequently, the complaint was corrected. Employees of the Minneapolis Fire Department supplied statements to the CRA as part of their investigation.

The Officer of the City Attorney provided representation to city officers and employees in this lawsuit, in the claims process and in the charge of discrimination filed with the MDCR.

In this lawsuit the Plaintiff alleges approximately 17 causes of action, including civil rights violations pursuant to 42 U.S.C §§ 1981, 1983, 1985, 1986 and 1988, involving allegations of improper force, discrimination and conspiracy. The Plaintiff alleges tort violations including assault; battery; intentional, reckless and negligent infliction of emotional distress; negligence; negligent hiring, training, supervision and retention; abuse of process; unauthorized use of force; and obstruction of justice. The Plaintiff is representing herself in the litigation and has named the City of Minneapolis, R. T. Rybak (Mayor); Jay Heffern (City Attorney); Timothy Skarda (Assistant City Attorney); Laura Pilon (Fire Captain); Barbara Damchik-Dykes (CRA Interim Manager); Robert K. Olson (Chief of Police); Ryan Chancellor (Police Officer); and Anthony Leone (Police Officer) as Defendants.

On August 13, 2003, a settlement conference was held before the Hon. George McGunnigle, attended by Council Member Paul Zerby, Deputy Chief Sharon Lubinski and Assistant City Attorney Timothy Skarda. A proposed settlement was reached during the settlement conference involving the payment of \$6500.00 to Charon Dow, a letter or apology to Ms. Dow's children; and additional training as part of scheduled in-service training in 2004 addressing the topics of accident investigation and police-community relations. The details of the non-monetary relief remain under negotiation with Ms. Dow. Ms. Dow has been a concerned and passionate advocate for herself and for her community who has raised some legitimate legal issues. We believe that this proposed settlement in is the best interests of the City and jointly recommend approval by this Committee.